

**Plaintiff
Jackie Fisher's**

**Response in Opposition
to Defendants'**

**Motion for
Summary
Judgment**

EXHIBIT

5

*** REQUESTOR: TTA0518 - TAYLOR, THERESA HEALTH SERVICES ***

*** SYM OUT BASKET PRINT ***

MESSAGE ID: 662025 DATE: 10/11/00 TIME: 02:34pm PRIORITY: 000

SUBJECT: REQUEST FOR REQ DELETION

*** POSITION RESULTS ***
UTMB MANAGED CARE

A. JOB REQUISITION NO: 3484
JOB TITLE: ASSISTANT NURSE MANAGER
POSITION NO: 13786
VACANCY LOCATION: ESTELLE UNIT

B. (X) SELECTION MADE () NO APPLICANTS
() NO SELECTION MADE () NO QUALIFIED APPLICANTS
() SUBSEQUENT VACANCY FROM INTERVIEW HELD

C. SELECTED APPLICANT: JACKLYN L. FISHER
SS# (LAST 4 DIGITS ONLY): 1990
FROM (UNIT/DEPT/OUT): OUT
EFFECTIVE/HIRE DATE: 10/02/00

THERESA TAYLOR, HUMAN RESOURCES COORDINATOR II

Sent to:	HSMA029	HENRY, CONNIE	(to)
	SRA3984	RADER, SANDRA	(to)
	GWR9643	WRIGHT, GAYLE	(to)
	POSTINGS	<list>	(to)
	MEDICAL	<list>	(to)

FISHER-100881



UTMB Correctional Managed Care
264 FM 3478
Huntsville, Texas 77320-3322
Phone#: 936/291-4200 Ext 3604
Fax: 936/295-4026

August 21, 2003

Jackie Fisher
1150 FM 2296 Road
Huntsville, Texas 77340

Dear Ms. Fisher,

This letter is to offer you employment as a Cluster Nurse Manager at the University of Texas Medical Branch effective on a mutually agreed upon date. Your starting salary will be \$67,000 per year.

We are very excited about having you join us at the Goree/Ferguson/Huntsville Cluster team. Please indicate your agreement and understanding of this letter by signing the statement below. Please feel free to contact Sandy Rader in Human Resources or myself should you have any questions.

Sincerely,

David Watson
Senior Cluster Nurse Manager

I have received the letter confirming salary. I understand that no other promises, representations or agreements have been made by anyone with respect to the terms or conditions of my employment. I understand that this letter does not constitute an employment contract. I understand and agree that I am subject to the policies and procedures established by the Board of Regents of the university of Texas System and state laws regarding my employment.

Signature

Date

FISHER-100859

Candidate Evaluation Form

Complete on All Candidates Interviewed

Candidate Jackie Fisher		Interview Date 08/19/03 @ 9:00 a.m.	
Requisition # 34547	Job Title Cluster Nurse Manager	Position # 14189	

Instructions: Rate the candidate using the established scale in the following categories.

Knowledge of Specialty/Field etc.				
Question: <i>WHAT WOULD YOUR 1ST ACT AS CNM BE?</i>				
Answer: <i>GO TO UNIT, MEET STAFF AND ASSESS STATUS OF FACILITY & STAFF</i>				
<input type="checkbox"/> Poor	<input type="checkbox"/> Less than Satisfactory	<input type="checkbox"/> Satisfactory	<input checked="" type="checkbox"/> More than Satisfactory	<input type="checkbox"/> Excellent
Question: <i>HOW DO YOU RESOLVE CONFLICTS</i>				
Answer: <i>FOCUS ON SOLVING PROBLEM THAT IS THE FOCUS OF THE COMPLAINT IN BEGINNING</i>				
<input type="checkbox"/> Poor	<input type="checkbox"/> Less than Satisfactory	<input type="checkbox"/> Satisfactory	<input checked="" type="checkbox"/> More than Satisfactory	<input type="checkbox"/> Excellent
Education and Equivalencies				
Comments:				
Work Related Experience				
1. Question <i>WHAT CAN YOU OFFER YOUR STAFF NURSES TO STAY & THE ORGANIZATION/SUPPORT THE MISSION</i>				
Answer <i>LEAD BY EXAMPLE, EMPOWER THE PEOPLE.</i>				
<input type="checkbox"/> Poor	<input type="checkbox"/> Less than Satisfactory	<input checked="" type="checkbox"/> Satisfactory <i>EXCEL</i>	<input checked="" type="checkbox"/> More than Satisfactory	<input type="checkbox"/> Excellent
2. Question				
Answer				
<input type="checkbox"/> Poor	<input type="checkbox"/> Less than Satisfactory	<input type="checkbox"/> Satisfactory	<input type="checkbox"/> More than Satisfactory	<input type="checkbox"/> Excellent
Leadership Experience/Skills				
1. Question				
Answer				
<input type="checkbox"/> Poor	<input type="checkbox"/> Less than Satisfactory	<input type="checkbox"/> Satisfactory	<input type="checkbox"/> More than Satisfactory	<input type="checkbox"/> Excellent

Communication – Ability to express him/herself in an understandable manner (i.e. are questions answered directly or does the candidate waffle?)

☐ Poor

☐ Less than Satisfactory

☐ Satisfactory

☒ More than Satisfactory

☐ Excellent

Comments

Overall Assessment

☐ Poor

☐ Less than Satisfactory

☐ Satisfactory

☒ More than Satisfactory

☐ Excellent

Comments:

HAS WIDE RANGE OF CLINICAL AND
SUPERVISORY EXPERIENCE.

EASIER TO WORK. EXCELLENT COMMUNICATION SKILLS.

WORKS INDEPENDENTLY, BEST CANDIDATE FOR

THIS POSITION FROM PRESENT POOL.



FISHER-100851

Interviewer's Signature



Date

8/19/03

TO: John Pemberton
FROM: Sandy Rader
RE: Jackie Fisher
Assistant Nurse Manager – Wynne Facility

John, attached is a Salary Determination Worksheet for the Cluster Nurse Manager for Goree, Huntsville and Ferguson Facilities. The selected applicant is Jackie Fisher. Ms. Fisher has been an Assistant Nurse Manager for almost 3 years with UTMB.

As you can see, the proposed salary is a 13% increase for Ms. Fisher.

Proposed Salary	\$67,000.00
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Current Salary	\$59,260.00
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Ms. Fisher will be over 3 facilities in as the Cluster Nurse Manager

Please call to discuss.

Thanks.

FISHER-100843

PERSONNEL STATUS REPORT
(PLEASE PRINT)NEW HIRE
RE-HIRE

STATUS CHANGE SEPARATION

LEAVE OF ABSENCE
RETURN / LEAVE OF ABSENCE

FATR 03-1695

Supervisor
Supervisor

Human Resources Representative

*Effective date and last day worked should be the same.

DISTRIBUTION: UTMB MINGO CARE/H.R. (REGIONAL) *ORIGINATING UHA/DON

a:\hrforms\wchform.wpd\3-14-95

FISHER-100844

Date 8/22/03
Date 8/22/03
Date _____

Salary Determination Worksheet (New Hires, Promotions, Transfers)

STEP ONE – CANDIDATE SKILL LEVEL

A. Circle the appropriate skill level, training required and Comp-Ratio for the candidate.

Training Requirements		Training Costs
Meets minimum qualifications	Requires significant training	Up to 85%
Exceeds minimum qualifications	Requires moderate training	85% to 92%
Prior direct experience, can "hit the ground running"	Needs brief introduction to UTMB policies and procedures	92% to 104%
Possesses unique skills in an area vital to UTMB	Needs brief introduction to UTMB policies and procedures	104% to 115%

*** POSITION IN RANGE (COMPARATIO)**

- Distance of a salary from the midpoint of the salary range, with midpoint equal to 100%
- Calculation: $\text{Comp Ratio} = \text{Salary} / \text{Midpoint} \times 100\%$

B. Enter the candidate's Years of Relevant Experience:

6

STEP TWO – BENEFIT REPLACEMENT PAY (BRP)

Is the candidate BRP eligible? (Y/N)

1

Note: A new hire may be eligible for Benefit Replacement Pay (BRP) if they were 1) employed by a state agency on 8/31/05 and 2) were eligible on 8/31/05 for state payment of the employee's tax under Govt. Code Section 606.064 as it then existed. If the candidate was a state employee on 8/31/05 with a subsequent break in service less than 12 months from the state agency, confirm that he/she is eligible for BRP. If yes, the Proposed Salary = Proposed + BRP amount.

STEP THREE - INTERNAL EQUITY SALARY REVIEW

A. Enter your entity or department average salary for the job code:

NY 12

B. List UTMB employees within your unit or dept who are in same job code or with similar qualifications, abilities and years of relevant experience. Order by highest to lowest years of relevant experience.

1.	4. WRIGHT	1	67,676	NO
2.				
3.				
4.				
5.				

- * If the employee receives Benefit Replacement Pay (BRP), indicate the BRP amount. The salary comparison to the proposed candidate should be made against Current Salary Less BRP.

STEP FOUR – PROPOSED SALARY

A. Enter proposed salary for candidate:

67,000

B. Does salary included BRP? (Y/N) (if yes, offer letter must state.)

no

STEP FIVE - JUSTIFICATION

If proposed salary is 5% higher or lower than your entity or department average salary for the job code, indicate why it is necessary to compensate this candidate differently. If the proposed salary is 5% or more higher than the average salary, corrective action must be taken on current employees to ensure internal salary equity. Disclose planned actions. Attach additional documentation as necessary.

Authorized By/Date

Human Resources Date